

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>MARTIN FASANG AND ATINUT CHULAJATA,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53158</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 4, 2011, James R. Meurer, Gregg Near, and Diane M. DeVries presiding. Martin Fasang appeared pro se on behalf of Petitioners. Respondent was represented by Robert D. Clark, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**10987 Snow Cloud Trail, Littleton, Colorado
Douglas County Schedule No. R0026964**

The subject property consists of a one story ranch residence built in 1981 with 1,740 square feet in main living area, 1,714 square feet in garden level basement, of which 1,468 square is finished, and a 588 square foot attached garage. There are two bedrooms, two baths, and one fireplace. The property is considered in good quality and good condition. The subject has lap siding.

Petitioners are requesting an actual value of \$252,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$360,000.00 for the subject property for tax year 2009.

Petitioners purchased the subject property in June 2008 in a public auction for \$252,000.00. Petitioners purchased the property as is. The property has a wood shingle roof in need of repair. The property suffered from water damage.

Petitioners understood, at the time of purchase, that there would be some fix up. When the water was turned on, the basement area flooded. There was dry wall and carpet damage. Petitioners have done much of the work. Petitioners did not provide an itemized "cost to cure."

Petitioners are requesting a 2009 actual value of \$252,000.00 for the subject property.

Respondent presented a value of \$380,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sale price from \$379,900.00 to \$510,000.00, in time adjusted sales price from \$374,650.00 to \$506,430.00, and in size from 1,569 to 2,106 square feet. After adjustments were made, the sales ranged from \$385,874.00 to \$483,343.00.

Thomas L. Brown, Certified Residential Appraiser for the Douglas County Assessor's Office, chose three sales that fit the criteria of ranch, split-level, and two story custom built homes, ranging in size from 1,550 to 2,660 square feet, and built from 1973 to 2000. Mr. Brown adjusted for time, year built, above grade square footage, number of bedrooms and bathrooms, basement square footage and finished square footage, garden level and walk out basement, garage spaces, fireplace, and heating and air conditioning.

Mr. Brown's adjustments were made based on a market analysis done within the Douglas County Assessor's office as well as a paired sales analysis.

Mr. Brown stated he was unable to consider the sales of the subject property during the base period since it was a distress sale.

Respondent assigned an actual value of \$360,000.00 to the subject property for tax year 2009.

Respondent presented sufficient probative evidence and testimony to show that the subject property was correctly valued for tax year 2009.

The Board agrees with the Respondent's witness that the subject sale cannot be considered since it was a distress sale. The Respondent's witness provided three comparable sales within the 18-month time period of January 1, 2007 through June 30, 2008 and made applicable adjustments. The witness placed most weight on the lower end of the range. Due to the condition of the subject property at the time of sale, the Board agrees with the 2009 assigned actual value of \$360,000.00.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

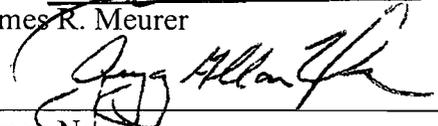
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

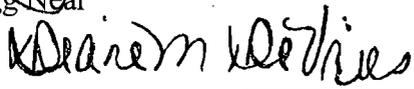
Section 39-8-108(2), C.R.S.

DATED and MAILED this 4 day of February 2011.

BOARD OF ASSESSMENT APPEALS


James R. Meurer


Gregg Near


Diane M. DeVries

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.


Amy Bruhns

